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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,374	09/26/2001	Jeffry Harlow Loucks	3612.PALM.PSI	6414

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EXAMINER

TO, JENNIFER N

ART UNIT	PAPER NUMBER
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2195

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/965,374

Applicant(s)

LOUCKS, JEFFRY HARLOW

Examiner

Jennifer N. To

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claims 1, 10, 16, and 26, recited the limitation of "independently of any deadline task". However, this limitation was not support or described in the specification.

According to the specification, there are only two kinds of tasks (background tasks and foreground tasks). The deadline tasks were not disclosed in the specification at all.

Therefore the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For the purpose of examination, examiner interpreted the steps (the steps that recited the limitation of "independently of any deadline task", in claims 1, 10, 16,

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and 26 as "the task allocating the execution presence and the data presence accordingly to each of the registered services such that each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice, wherein the foreground and background task operating independently".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al. (hereafter Akiyama) (U.S. Patent No. 6430594), and in view of Burns (U.S. Patent No. 6098090).

7. Akiyama and Burns were cited in the previous office action.

8. As per claim 1, Akiyama teaches the invention substantially as claimed including a method for scheduling tasks (col. 1, lines 7-14) comprising:

a background task registering at least one registered service, the background task invoked by a kernel of a computer operating system in a dedicated pre-assigned time slice, the computer operating system comprising the background task and foreground task (although Akiyama did not mention a foreground task, but it is obvious

to one of an ordinary skill in the art to know that all computer operating system including the background and foreground task), the background task for providing an execution presence and data presence to the registered service (fig. 1; col. 3, lines 32-53; col. 9, lines 51-64);

the background task ranking the registered service according to the requirements of the registered service (col. 8, lines 27-30); and

the background task allocating the execution presence and the data presence accordingly to each of the registered services such that each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice (fig. 5; col. 5, lines 25-55).

9. Akiyama did not specifically teach the background task being scheduled independent from the operation of the foreground task.

10. However, Burns teaches the background task and the foreground task, the background task being scheduled independent from the operation of the foreground task (col. 1, lines 13-18, 55-58; background tasks are performed frequently "monitoring the selection...or the choice of a menu selection", these background tasks are performed without the controlled or involved by the foreground task).

11. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Akiyama and Burns because

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Burns teaching the background task being scheduled independent from the operation of the foreground task would improve the integrity of Akiyama's system by enabling a task to register the execution of one or more background tasks, and minimizing the amount of system resources (Burns, col. 1, lines 55-61).

12. As per claims 2, and 9, Akiyama teaches Akiyama further teaches the step of the background task searching for at least one registered service associated therewith (col. 6, lines 29-41).

13. As per claims 3-4, it is rejected for the same reason as claim 1 above.

14. As per claims 5-6, Akiyama teaches wherein the service is a system related activity and/or an interrupt-related activity (fig. 6).

15. As per claim 7, Burns teaches wherein the service is a background-related activity (fig. 1).

16. As per claim 8, Akiyama teaches the step of periodically repeating the steps a) through c) (figs. 9, 11; col. 9, lines 31-34).

17. As per claims 10-29, they are rejected for the same reason as claims 1-9 above.

Response to Arguments

18. Applicant's arguments filed 01/02/2007 have been fully considered but they are not persuasive.
19. In the remark applicant argued that:
- 1) Akiyama fails to teach foreground or background tasks operating independent of deadlines tasks.
 - 2) Burns fails to teach foreground tasks independent of deadline tasks.
20. Examiner respectfully disagreed:
- a. As to point (1), the limitation of "independent of deadlines tasks" is rejected under 35 U.S.C 112, 1st paragraph (see paragraph 4 of this action).
- With respect to this limitation, applicant is reminded that the rejection is based on the combined teaching of Akiyama and Burns. Akiyama did not specifically teach foreground and background task operating independently. However, Burns teaches foreground and background task operating independently (col. 1, lines 15-18, background tasks are performed frequently "monitoring the selection...or the choice of a menu selection", these background tasks are performed without the controlled or involved by the foreground task). Therefore, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Akiyama and Burns because Burns teaching of background task and foreground task, the background task being scheduled

independent from the operation of the foreground task would improve the integrity of Akiyama's system by enabling a task to register the execution of one or more background tasks, and minimizing the amount of system resources (Burns, col. 1, lines 55-61).

b. As to point (2), Akiyama teaches deadlines tasks (background tasks). Burns teaches foreground and background task operating independently as explained above. Therefore, Akiyama and Burns teach foreground tasks independent of deadline tasks (background tasks).

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer N. To
Examiner
Art Unit 2195


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SUPERVISORY PATENT EXAMINER
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